

REMARKS**REJECTIONS UNDER 35 U.S.C. § 112**

The Examiner has maintained the rejection of claims 1-8, 11-18 and 20, under 35 U.S.C. § 112, second paragraph. Particularly, the Examiner has noted that "phosphorus oxides" had been recited, in claim 4, as a Markush group for the "metal oxide filler," although phosphorus is not a metal. The Examiner concluded that claim 4 is indefinite because it improperly depends upon claim 1, and, rather than confining this rejection to only claims 1-4 (the only claims wherein a potential for "metal oxide" and "phosphorus oxide" discrepancy is possible), rejects all claims as indefinite under the reasoning that "[t]he phrase 'metal oxide' fails to particularly point out and distinctly claim what Applicants consider the invention to be because applicants do not consider metal oxides to be the invention as evidenced by the recitation of phosphorus oxides in claim 4." See Official Action of May 23, 2002, page 3.

In response, Applicants first note that the § 112 rejection, if at all necessary, was only applicable to claims 1-4, wherein potential discrepancy arose. Applicants certainly have support for claims broadly drawn to employing "metal oxide fillers," at at least page 3, lines 16-18; page 5, lines 23-29; and the original claims. In addition to having support for "metal oxide filler" Applicants also have support for the use of "phosphorus oxides" as fillers, as seen at page 5, line 30 to page 6, line 1, and again, the original claims. Notwithstanding the fact that Applicants may have incorrectly grouped "phosphorus oxides" under "metal oxide" fillers, this does not negate the fact that Applicants have support for all of the fillers identified in the present claims. Additionally, where applicable, the claims have been amended to separate "phosphorus oxides" from the metal-based fillers that are recited.

In light of the fact that Applicants may be their own lexicographer, and further in light of the fact that, regardless of the mischaracterization of "phosphorus oxides," those of ordinary skill in the art would understand and appreciate those fillers that fall within the disclosed groups within the specification and original claims, and further in light of the claim amendments presented herein wherein phosphorus oxides have been split from the metal-based fillers, reconsideration is respectfully requested.

ALLOWABLE CLAIMS

Applicants acknowledge that the Examiner has indicated the allowability of claims 5, 14-17 and 20. Applicants have placed claim 5, claim 14, claim 15, and claim 17 in independent form, including all of the limitations of the base claim and intervening claims. Claim 20 has been cancelled, and claim 16 depends from claim 15. thus, claims 5 and 14-17 are in condition for allowance.

CONCLUSION

In light of the foregoing, Applicants respectfully request that all pending claims be reconsidered, and a Notice of Allowance of claims 4 and 14-17 is most earnestly solicited. Should the Examiner wish to discuss any of the foregoing in greater detail, the undersigned attorney would welcome a telephone call.

No new claims have been added and therefore no additional fees are believed due at this time. Nonetheless, in the event that a fee required for the filing of this document is missing or insufficient, the undersigned attorney hereby authorizes the Commissioner to charge payment of any fees associated with this communication or to credit any overpayment to Deposit Account No. 06-0925.

Respectfully submitted,



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MARKED-UP CLAIMS

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5. (Amended) [The] A method of [Claim 2, wherein the] using high density metal oxide [filler is] fillers in rubber compounds, comprising the steps of:

- (a) selecting a high density bismuth trioxide filler having a density of greater than 5.7 g/cm³; and
- (b) introducing the filler into a rubber elastomer for subsequent vulcanization of such rubber compound.

14. [The] A rubber compound [of Claim 12,] comprising:

- at least one elastomer containing a natural or synthetic rubber, and
- at least one high density metal oxide filler in an amount ranging from about 5 to about 80 phr wherein the high density metal oxide filler is bismuth trioxide having a density of greater than 5.7 g/cm³.

15. A vehicle tire component made from [the] a rubber compound [of Claim 6] comprising:

- at least one elastomer containing a natural or synthetic rubber, and
- at least one high density filler,
- wherein the high density filler is selected from the group consisting of phosphorus oxides, $M_n(O)_{2n}$, $M_n(O)_{3n/2}$, $(M_1)_n(M_2)_n(O)_{2n}$, and combinations thereof, where M is a metal selected from Groups IVA, VA, IB, VIB, VIIB and VIIIB metals (with M_1 being different from M_2), O is oxygen, and n is the valence of the metal, and

wherein the high density filler has a density of greater than 5.7 g/cm³.

17. A vehicle tire comprising at least one vehicle tire component [of Claim 15] made from a rubber compound comprising:

- at least one elastomer containing a natural or synthetic rubber, and
- at least one high density filler,
- wherein the high density filler is selected from the group consisting of phosphorus oxides, $M_n(O)_{2n}$, $M_n(O)_{3n/2}$, $(M_1)_n(M_2)_n(O)_{2n}$, and combinations

thereof, where M is a metal selected from Groups IVA, VA, IB, VIB, VIIB and VIIIB
metals (with M₁ being different from M₂), O is oxygen, and n is the valence of the
metal, and
wherein the high density filler has a density of greater than 5.7 g/cm³.